IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

LIBERTY MEDIA HOLDINGS, L.L.C.,	§	
	§	
Plaintiff,	§	
	§	Civil Action No. 3:09-CV-2396-D
VS.	§	
	§	
HOTFILE.COM, et al.,	§	
	§	
Defendants.	§	

ORDER

On January 12, 2010 the court granted in part and denied in part plaintiff Liberty Media Holdings, L.L.C.'s ("Liberty's") January 6, 2010 first amended *ex parte* application for a temporary restraining order ("TRO") and an order for seizure by audit. By separate order filed the same day, the court established a procedure and schedule for considering Liberty's application for a preliminary injunction. In an order filed on January 26, 2010, the court extended the TRO through February 9, 2010 at 11:00 a.m. Because the TRO was issued without notice, it cannot, absent the restrained parties' consent, be extended further. *See* Fed. R. Civ. P. 65(b)(2).

Defendants Hotfile.com ("Hotfile") and Anton Titov ("Titov") have filed materials in opposition to Liberty's preliminary injunction application and have also filed a motion challenging service of process and personal jurisdiction. Without suggesting that the court agrees with all the arguments that Hotfile and Titov have presented, the court has determined that the merits of Liberty's preliminary injunction application and the availability of relief in this court over Hotfile and Titov cannot fairly be adjudicated in the time that remains under the TRO. The court has also determined that the merits of Liberty's application are sufficiently debatable that the court should not now consider entering a new TRO with notice to Hotfile and Titov. Accordingly, the TRO will be allowed to expire.

The court will adjudicate Liberty's preliminary injunction application and, as applicable, defendants' motion, as promptly as possible. Because defendants' February 4, 2010 motion to dismiss or, in the alternative, quash service of the complaint, and to dismiss for lack of personal jurisdiction arguably presents issues relevant to the court's decision on the preliminary injunction application, the court orders that any response to the motion be filed no later than February 16, 2010, at 4:30 p.m. CST. Any reply must be filed no later than February 23, 2010, at 4:30 p.m. CST. Notwithstanding this briefing schedule, if the court determines at an earlier point that Liberty is or is not entitled to a preliminary injunction, it will not await the receipt of outstanding filings before issuing a ruling.

During this period, the court expects Hotfile and Titov, consistent with representations made in their filings in this court, to cooperate with Liberty by taking reasonable measures to eliminate any ongoing infringements of copyrighted digital material belonging to Liberty or materials bearing the trademark of Liberty.

SO ORDERED.

February 9, 2010.

SIDNEY A. FITZWATER
CHIEF JUDGE